

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ENTERTAINMENT SOFTWARE)
ASSOCIATION; VIDEO SOFTWARE)
DEALERS ASSOCIATION; and)
MICHIGAN RETAILERS)
ASSOCIATION,)
Plaintiffs,)
vs.)
JENNIFER M. GRANHOLM, in her)
official capacity as Governor of the State of)
Michigan; MICHAEL A. COX, in his)
official capacity as Attorney General of the)
State of Michigan; and KYM L. WORTHY)
in her official capacity as Wayne County)
Prosecuting Attorney,)
Defendants.)

DECLARATION OF JAIME BORASI

Pursuant to 28 U.S.C. § 1746, I, Jaime Borasi, under penalty of perjury state as follows:

1. I am currently employed as Senior Manager, Corporate Communications at Ubisoft Entertainment (“Ubisoft”). I have held this position since November 15, 2004. As a result of my duties as Senior Manager, Corporate Communications, I have personal knowledge of the facts stated in this declaration.

2. Ubisoft is a developer and publisher of interactive entertainment software both for personal computers and advanced entertainment systems, such as Microsoft Xbox, Sony PlayStation 2 and PlayStation Portable, and Nintendo GameCube, Game Boy Advance and DS. Ubisoft is a publicly traded company based in Paris, France.

3. One of the video games that Ubisoft designed is entitled "*Tom Clancy's Rainbow Six 3.*" A true and accurate copy of the Xbox version of *Tom Clancy's Rainbow Six 3*, in its entirety and final form, is attached as Exhibit A to this Declaration. A videotape of *Tom Clancy's Rainbow Six 3* being played is attached as Exhibit B to this Declaration. I certify that Exhibit B is a true, accurate, and representative sample of *Tom Clancy's Rainbow Six 3*.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on September 15, 2005.


Jaime Borasi

Exhibits A (video game “Tom Clancy’s Rainbow Six 3”) & B (videotape of “Tom Clancy’s Rainbow Six 3”) to the Declaration of Jaime Borasi are enclosed in a separately filed envelope.